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PART III.

Legislative Measures and Rules thereunder.

No. J. 982—*Legis.* 4-3, *dated 27th September* 1905.

The Government of His Highness the Maharaja of Mysore are pleased to make the following Rules under the Mysore Co-operative Societies Regulation, III of 1905 :—

1. (1) These Rules may be called the Co-operative Societies Rules, 1905.

(2) "The Regulation" shall mean the Mysore Co-operative Societies Regulation, 1905.

(3) Words defined in the Regulation shall bear the meanings respectively assigned to them therein.

2. (1) Every application for registration of a society under Section 6, sub-section (1), of the Regulation shall contain the particulars specified in, and be in the form of, Schedule A.

(2) With every such application two copies of the by-laws proposed for the society shall be submitted.

3. As soon as possible after the receipt of such application, the Registrar shall intimate to the applicants that he has registered the society or communicate his reasons for refusing to do so.

4. Where the Registrar refuses to register a society, an appeal shall lie to the Government, who may direct the Registrar to register the society.

5. (1) The matters in respect of which every society shall make by-laws are the following, namely :—

(*a*) the name and address of the society ;

(*b*) the objects for which the society is established, the purposes for which the funds thereof are applicable, the terms of admission of members, the conditions under which members may obtain loans, and the consequences of default in payment of any sum due by a member ;

(*c*) the mode of holding meetings, the right of voting, and, subject to the provisions of Rules 6 and 7, the manner of making, altering and abrogating by-laws ;

(*d*) the rights and liabilities of membership ;

(*e*) the mode of appointment and removal of a committee and of officers (if any), and the powers and duties of the committee and the officers ;

(*f*) the manner in which capital may be raised by means of shares or debentures, or by borrowing from persons who are not members, or by deposits from members, or otherwise ; and

(*g*) the mode of custody and of investment of the funds and, subject to Rules 9 and 12, the mode of keeping the accounts.

(2) Every society may make by-laws in respect of any other matters incidental to the management of its business.

6. When a society has been registered, the by-laws submitted under Rule 2, sub-rule (2), shall, subject to any modifications approved by the Registrar, become the by-laws of the society on their being adopted by a majority at a meeting of not less than two-thirds of the members.

7. By-laws may be made, altered or abrogated thereafter in accordance with a resolution passed at a general meeting of the society :

Provided that—

(*a*) due notice of any proposal to make, alter or abrogate is given in accordance with the by-laws ;

(*b*) the resolution is passed by not less than two-thirds of the members present at the general meeting and by not less than one-third of the total number of the members ; and

(*c*) the making, alteration or abrogation is approved by the Registrar.

8. Where the Registrar refuses approval to the making, alteration or abrogation of any by-laws, an appeal shall lie to the Government who may direct the Registrar to withdraw his refusal.

9. Every society shall keep the following accounts and books, namely :—

(*a*) Register of members and of persons nominated under Rule 13 ;

(*b*) Register of shares or debentures (if capital is raised by shares or debentures);

(*c*) Cash Account ;

(*d*) Members' Loan Accounts ;

(*e*) Depositors' Accounts ;

(*f*) Interest Account ;

(*g*) Expenses Account ; and

(*h*) Bank Account.

10. Every society shall also keep—

(*a*) a minute-book in which the proceedings of general meetings, and

(*b*) a minute-book in which the proceedings of meetings of the committee,

shall be recorded.

11. For the purpose of Section 22 of the Regulation, copies of entries in the books of any society may be certified by any officer of the society.

12. On or before a date to be fixed in the by-laws the committee shall publish an annual balance-sheet showing the assets and liabilities of the society. This balance-sheet shall be open to the inspection of any member during office hours at the office of the society, and a copy thereof shall be submitted to the Registrar.

13. (1) Every member of a society may nominate a person to whom or to whose credit the sum specified in Section 16 of the Regulation shall be paid or transferred on the death of such member.

(2) The name and address of every person so nominated shall be entered in the register kept under Rule 9, clause (*a*).

(3) The value of the share or interest of a deceased member referred to in Section 16 of the Regulation shall be ascertained by the committee, who shall for this purpose estimate the respective amounts due from and to such member on the day of his death and deduct the former from the latter.

14. The Registrar shall keep a register of the names and addresses of all societies.

SCHEDULE A.

Form of Application (*See Rule* 2).

1. Name of the society _____
2. Address to be registered _____
3. State whether liability of members is limited or unlimited _____

4. Application to register a society under the above name is made by the persons* whose names are subscribed hereunder.

* Ten or more.

5. The matters required by Rules 5 and 12 to be set forth in the by-laws are provided for in the following manner, *viz.*:—

Reference	Serial numbers of by-laws in which corresponding provision is made
Rule 5, clause (*a*) ...	
" " (*b*) ...	
" " (*c*) ...	
" " (*d*) ...	
" " (*e*) ...	
" " (*f*) ...	
" " (*g*) ...	
Rule 12 ...	

6. With this application are sent two copies of the proposed by-laws signed by each of the applicants, and a statement* showing name, age, profession and place of residence of each of the subscribers.

* See Appendix I.

Signatures (1) _____
(2) _____
(3) _____
(4) _____
(5) _____
(6) _____
(7) _____
(8) _____
(9) _____
(10) _____
(11) _____
(12) _____
(13) _____
(14) _____
(15) _____

Date _____

To

The Registrar, Co-operative Societies,
Bangalore.

APPENDIX I.

Statement showing the particulars referred to in paragraph 6 of Schedule A.

Name and father's name	Age	Tribe, class or caste	Profession	Place of residence (village, taluk and district)
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				
(8)				
(9)				
(10)				
(11)				
(12)				
(13)				
(14)				
(15)				

No. G.—Legis. 25-04-41, *dated Camp Mysore,* 13*th October* 1905.

The following Draft of a Regulation to remove certain disabilities arising from change of religion or deprivation of caste, which has been submitted to Government by the Committee appointed to consider the subject in Government Order No. 2510-18—Legis., dated the 3rd March 1905, is published for general information.

All persons interested in the subject are invited to send their opinions to the undersigned within two months from this date.

Draft of a Regulation to remove certain disabilities arising from change of religion or deprivation of caste.

WHEREAS it is expedient to remove certain disabilities arising from change of religion or deprivation of caste, His Highness the Maharaja of Mysore is pleased to enact as follows :—

1. This Regulation is called a Regulation for the removal of Religious and Caste Disabilities. It extends to the whole of Mysore and will come into force at once.

2. No person and no heir or representative of such person shall merely by reason of his having renounced or being excluded from any Religion or of his being deprived of Caste,

(*i*) be divested of any vested interest to or in property;

(*ii*) be deprived of any right of inheritance or personal right.

Provided that no person and no heir or representative of such person shall by reason of this enactment be entitled to retain or acquire any property or right or to exercise any right peculiar or only appropriate to the Religion which he has renounced or from which he has been excluded or peculiar or only appropriate to the Caste of which he has been deprived.

Illustrations.

(*a*) A is a trustee for an endowment of his Religion. Out of that endowment he is entitled to provide for his own residence and maintenance. On being converted to another Religion, he will cease to retain his interest in the endowment.

(*b*) A, a Hindu with vested interest in joint family property, is converted to Christianity. He will, on conversion, retain his interest in that property, but without the incidents peculiar or only appropriate to members of a joint Hindu family.

(*c*) A, a Hindu, dies intestate, leaving him surviving a legitimate son B, a converted Christian. B will succeed A as heir, not by survivorship as a Hindu coparcener.

(*d*) A, a Hindu, dies leaving him surviving a legitimate son B, a converted Christian. A, before his death, has disposed of his property by a valid will. A's property will follow the dispositions of that will.

(*e*) A, a Mussalman, with four legally married wives, is converted to Christianity. A, after his conversion, will not be able to divorce them by Mussalman ceremonies.

(*f*) A, a Hindu with Hindu sons, becomes a Mussalman. After conversion, he will not be able to exercise the right of a Hindu father to give one of his Hindu sons in adoption to a Hindu.

(*g*) A Hindu Brahmin voluntarily renounces his caste rules and becomes an ascetic. He will not be affected by this Regulation.

3. No person and no heir or representative of such person shall, by reason merely of another person's having renounced or being excluded from any Religion or being deprived of Caste,

(*i*) be divested or deprived of any property right of inheritance or personal right which he would have held had such other person remained in that Religion or Caste;

(*ii*) be forced to any act or to suffer any act inconsistent with or not appropriate to his own Religion or Caste.

Explanation.— The Religion or Caste of any person shall be presumed to be that in which he was born. A Court shall, till the contrary is shown, presume that it is for the advantage of a minor to remain in the Religion or Caste in which he was born.

Illustrations.

(*a*) A and B are Hindu full brothers and C their half-brother. A becomes a Christian. B's right of inheritance to A will not be affected by C becoming a Christian.

(*b*) A, a Hindu, having a share and a right to live in the joint family house, becomes a Christian. He cannot, contrary to the will of the Hindu members of the family, enforce his right to live himself in the joint family house.

(*c*) A, a Christian man, has a Christian wife B. A becomes a Mussalman and marries a second wife by Mussalman ceremonies. A will remain liable for the maintenance of B, and B will retain her right to divorce him, if she chooses, according to the law applicable to Christians. But A cannot enforce against her any conjugal rights, nor divorce her, except for reasons and in the manner allowed by the law applicable to Christians.

(*d*) A, a Christian man, with minor Christian children, becomes a Mussalman. He will remain liable for their maintenance. But he cannot enforce against them any right of guardianship inconsistent with their religion, such as circumcising his minor sons or giving his minor daughters in marriage to Mussalmans with ceremonies which subject them to Muhammadan law.

(*e*) A, son of B, a Hindu, becomes a Christian, and is consequently deprived of Caste. B will have the same right of adoption as he would have held if A had become an out-caste or disqualified son while remaining a Hindu; but the adoption, if made, will not operate to deprive A of property or rights to which A is entitled under Section 2 of this Regulation.

(*f*) A, son of B, a Hindu, becomes a Christian. After the conversion of A another son C is born to B. C will have the same rights in respect of ancestral property as he would have had if A had remained a Hindu; but the birth of C will not otherwise affect the rights of A under Section 2 of this Regulation.

By Order,

B. K. VENKATA VARADA IYENGAR,
Secy. to Govt., Gen. & Rev. Dept.